



CNR: KAHC010197992026

NC: 2026:KHC:52918
WP No. 9309 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO. 9309 OF 2026 (KLR-RES)

BETWEEN:

1. SRI K MUNIRAJU
AGED ABOUT 76 YEARS
S/O LATE.KUPPASWAMY
R/A NO.132, L.B.S NAGARA
YELAHANKA, BENGALURU
BENGALURU-560064

...PETITIONER

(BY SRI. NAGESH S.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP BY ITS PRINCIPLE SECRETARY
REVENUE DEPARTMENT
VIDHANASOUDHA,
BENGALURU-560001.
2. THE STATE OF KARNATAKA
REP BY ITS PRINCIPLE SECRETARY
HOME DEPARTMENT, VIDHANASOUDHA,
BENGALURU-560001.
3. THE THASILDAR
MINI VIDHANA SOUDHA
DEVANAHALLI TALUK,
BENGALURU RURAL DIST-562110.

Digitally signed by
CHANDRA S A
Location: HIGH
COURT OF
KARNATAKA



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4. THE ASSISTANT DIRECTOR
OF LAND RECORDS
TALUK SURVEY DEPARTMENT
DEPUTY COMMISSIONER OFFICE,
DEVANAHALLI TALUK,
BENGALURU RURAL DIST-562110.
5. THE SUPERINTENDENT OF POLICE
BENGALURU RURAL DISTRICT
CUNNING HAM ROAD
BENGALURU-
6. THE STATION HOUSE OFFICER
VISHWANATHAPURA POLICE STATION,
AT CHAPPARADAKALLU CIRCLE,
OPPOSITE DC OFFICE,
VISHWANATHPURA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL (562114).
7. SRI.SANJAY SURESH
AGED ABOUT 25 YEARS
S/O SURESH.B. S
NO.174, BYRATHI,
DR. SHIVARAMAKARANTHA NAGARA POST
BENGALURU-560 077.

...RESPONDENTS

(BY SRI ADITYA DIWAKARA, AGA FOR R1 TO 6,
SRI ASHOK MESTA, ADVOCATE FOR C/R7)

THIS WRIT PETITION IS FILED UNDER ARTICLES
PRAYING TO ISSUE WRIT OF MANDAMUS OR ANY OTHER
APPROPRIATE WRIT OR DIRECTION TO THE RESPONDENT
NO.1, 3 AND 4 TO CONSIDER THE REPRESENTATIONS DT.25-
8-2025, 10-10-2025 AND 17-11-2025 VIDE ANNEXURES-J AND
J-1 AND K IN RESPECT OF SCHEDULE C PROPERTY AND ETC.,.

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



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CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

Learned Additional Government Advocate accepts notice for respondent Nos.1 to 6.

2. Sri Ashok Mesta, learned counsel is representing respondent No.7/caveator.

3. In this writ petition, the petitioner has sought for direction to the respondents. No.1, 3 and 4 to consider the representations produced at Annexures-J, J1 and K in respect of the 'C' schedule property.

4. Sri Nagesh.S, learned counsel appearing for the petitioner contended that, the petitioner has filed a suit in OS No.33/2023 before the Senior Civil Judge and JMFC, Devanahalli, Bangalore Rural (Annexure-G1), wherein the subject matter in the suit is the land in question in this writ petition, and the petitioner has assailed the sale deeds dated 20.04.2018 and 18.07.2022, in respect of the



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land in question, and therefore, as the matter is pending consideration before the Civil Court, the respondent No.4 be directed not to conduct phodi in respect of the land in question. Accordingly, learned counsel sought for direction to respondent No.4 to consider the representation dated 25.08.2025 (Annexure-J).

5. It is also contended by the learned counsel appearing for the petitioner, by referring to the order dated 30.06.2026 passed by the Assistant Director of Land Records, a copy of which has been made available before this Court, that, on a similar occasion, the respondent-Authorities had accepted the submission made by respondents herein and had declined to conduct the phodi in respect of the land in question, insofar as the very same property is concerned.

6. In this regard, learned counsel appearing for the petitioner places reliance on the judgment of this Court in WP No.39382/2025 dated 30.01.2026, and



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contended that, the suit is pending consideration before the Civil Court, and therefore, no phodi and durasth has to be conducted in respect of the subject land in question.

7. *Per contra*, Sri Ashok Mesta, learned counsel appearing for the respondent No.7/caveator submitted that, the petitioner is not in possession of the land in question which is the subject matter in the suit in OS No.33/2023 and further contended that, the Trial Court has declined to accept the application made by the petitioner seeking interim injunction on land in question, and therefore, as the petitioner is not in possession of the land in question, the writ petition requires to be dismissed.

8. Sri.Aditya Diwakara, learned Additional Government Advocate appearing for the respondent - State submitted that, since the matter is concerning the conduct of phodi and durasth in respect of the land in question, the petitioner cannot maintain a petition seeking



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negative writ from this Court under Article 226 of the Constitution of India.

9. Having heard the learned counsel appearing for the parties, on careful consideration of the representation dated 25.08.2025 (Annexure-J), wherein the petitioner has stated to restrain the respondent No.4 to conduct phodi and durasth in respect of the land in question. It is also to be noted that, the petitioner herein has filed OS No.33/2023 before the competent Civil Court at Devanahalli, wherein the registered sale deeds made in favour of the respondent No.7 herein challenged and the same is pending consideration before the Civil Court.

10. Be that as it may, it is forthcoming from the writ papers that, the petitioner is not in possession of the land in question, and the application made by the petitioner herein for temporary injunction in OS No.33/2023 before the Civil Court came to be dismissed, which has reached finality. In that view of the matter, I



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am of the view that, this Court under Article 226 of the Constitution of India cannot direct respondent No.4 not to conduct the phodi and durasth in respect of the land in question as it is the duty of the public authorities to do public duty, and therefore, I am of the view that, the writ petition is required to be dismissed as devoid of merit. However, the phodi and durasth which may be conducted by the respondent - Authority in respect of the subject land is concerned, same shall be, subject to the result of the suit in OS No.33/2023 before the Civil Court.

11. In that view of the matter, as the application made by the petitioner herein seeking temporary injunction came to be dismissed, and the finding has been recorded by the Trial Court, *prima facie*, that the petitioner is not in possession of the land in question, I am of the view that, the judgment referred to by the learned counsel appearing for the petitioner cannot be made applicable to the facts on record.



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Accordingly, the writ petition is dismissed.

**SD/-
(E.S.INDIRESH)
JUDGE**

BKM
List No.: 1 SI No.: 21